

OMAR ARNOLDO RIVERA  
MARTINEZ; ISAAC ANTONIO  
LOPEZ CASTILLO; JOSUE  
VLADIMIR CORTEZ DIAZ; JOSUE  
MATEO LEMUS CAMPOS;  
MARVIN JOSUE GRANDE  
RODRIGUEZ; ALEXANDER  
ANTONIO BURGOS MEJIA; LUIS  
PEÑA GARCIA; JULIO CESAR  
BARAHONA CORNEJO, as  
individuals.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case No. 5:18-cv-01125-SP

**[PROPOSED] ORDER GRANTING  
DEFENDANTS DIAZ AND  
CAMPOS' MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

Mag. Judge: Honorable Sheri Pym

17 Plaintiffs,  
18 v.  
19 THE GEO GROUP, Inc., a Florida  
20 corporation; the CITY OF  
ADELANTO, a municipal entity; GEO  
21 LIEUTENANT DURAN, sued in her  
individual capacity; GEO  
22 LIEUTENANT DIAZ, sued in her  
individual capacity; GEO  
23 SERGEANT CAMPOS, sued in his  
individual capacity; SARAH JONES,  
24 sued in her individual capacity; THE  
UNITED STATES OF AMERICA;  
and DOES 1-10, individuals,

### Defendants.

BURKE, WILLIAMS &  
SORENSEN, LLP  
ATTORNEYS AT LAW  
LOS ANGELES

LA #4851-9694-1972 v1  
05788-0035

1           The Motion for Summary Judgment, or in the Alternative, Motion for Partial  
 2 Summary Judgment of Defendants Campos and Diaz (“Defendants”), brought  
 3 under Federal Rule of Civil Procedure 56, on the Second Amended Complaint of  
 4 Plaintiffs Omar Arnoldo Rivera Martinez, Isaac Antonio Lopez Castillo, Josue  
 5 Vladimir Cortez Diaz, Josue Mateo Lemus Campos, Marvin Josue Grande  
 6 Rodriguez, Alexander Antonio Burgos Mejia, Luis Peña Garcia, and Julio Cesar  
 7 Barahona Cornejo, came on regularly for hearing before the Honorable Magistrate  
 8 Judge Sheri Pym on December 17, 2019.

9           The Court having read and duly considered the moving, opposing, and reply  
 10 documents, and having duly considered all evidence and argument presented in  
 11 connection therewith, enters the following order on Defendants Campos and Diaz  
 12 Motion for Summary Judgment as follows:

13           1.       Plaintiffs cannot bring Section 1983 claims against Defendants  
 14 Campos and Diaz and their only remedies against Defendants Campos and Diaz are  
 15 state law claims. *Russell v. U.S. Dep’t of the Army*, 191 F.3d 1016, 1019 (9th Cir.  
 16 1999); *Minneci v. Pollard*, 565 U.S. 118, 131 (2012).

17           2.       The undisputed evidence shows Defendants Campos and Diaz did not  
 18 violate Plaintiffs’ constitutional rights (claims five, six, and seven).

19           3.       The undisputed evidence shows Defendants Campos and Diaz are not  
 20 liable for the alleged constitutional violations of their subordinates because they did  
 21 not direct the alleged violations, or know of the alleged violations and fail to act to  
 22 prevent them (claims five, six, and seven).

23           4.       The undisputed evidence shows Defendants Campos and Diaz did not  
 24 violate Plaintiffs’ rights under state law (claims one, two, four, eight and ten).

25           5.       The undisputed evidence shows Defendants Campos and Diaz are not  
 26 liable for the conduct of their subordinates because they did not provide substantial  
 27 assistance or encouragement to their subordinates to engage in actions that would  
 28 violate Plaintiffs’ rights under state law (claims one, two, four, eight and ten).

WHEREFORE, GOOD CAUSE HAVING BEEN SHOWN, Defendants Diaz and Campos are granted summary judgment in this case and are dismissed with prejudice, reasonable costs to be awarded in an amount according to proof.

## IT IS SO ORDERED:

Dated: \_\_\_\_\_

Honorable Sheri Pym  
United States District Court Magistrate Judge

1 Respectfully Submitted,  
2 Susan E. Coleman (SBN 171832)  
3 E-mail: scoleman@bwslaw.com  
4 Carmen M. Aguado (SBN 291941)  
5 E-mail: caguado@bwslaw.com  
6 BURKE, WILLIAMS & SORENSEN, LLP  
7 444 South Flower Street, Suite 2400  
8 Los Angeles, CA 90071-2953  
9 Tel: 213.236.0600 Fax: 213.236.2700

10  
11 Attorneys for Defendants  
12 THE GEO GROUP, INC., DIAZ, CAMPOS and CITY OF ADELANTO  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28